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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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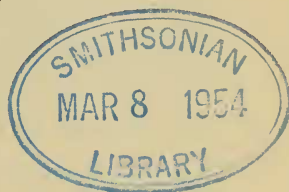
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 3. Part 20. Pp. 267—274

OPINION 201

Validation, under the Plenary Powers, of the generic
name *Necator* Stiles, 1903 (Class Nematoda) (correction
of an error in *Opinion* 66)



LONDON :

Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1954

Price Three Shillings

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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OPINION 201

VALIDATION, UNDER THE PLENARY POWERS, OF THE GENERIC NAME "NECATOR" STILES, 1903 (CLASS NEMATODA) (CORRECTION OF AN ERROR IN "OPINION" 66)

RULING :—(1) The generic name *Necator* Sclater & Saunders, 1896, an emendation of the name *Nicator* Finsch & Hartlaub, 1870 (Class Aves), is hereby suppressed for all purposes under the Plenary Powers, and the name *Necator* Stiles, 1903 (Class Nematoda) is hereby validated under those powers. (2) The entry of the name *Necator* Stiles, 1903 (gender of name : masculine), made in the *Official List of Generic Names in Zoology* in accordance with the directions given in *Opinion* 66 is hereby confirmed. (3) The name *Necator* Sclater & Saunders, 1896, is hereby added to the *Official Index of Rejected and Invalid Generic Names in Zoology* as Name No. 9.

I.—THE STATEMENT OF THE CASE

In December 1943, Mr. Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, discovered, when checking the entries in the *Official List of Generic Names in Zoology*, that the name *Necator* Stiles, 1903 (Class Nematoda) placed on that *List* in the Commission's *Opinion* 66 was an invalid junior homonym of the name *Necator* Sclater & Saunders, 1896 (Class Aves). The following is the Minute on this subject placed by Mr. Hemming on the File (Z.N.(S.)366) then opened for this subject :—

THE NAME "NECATOR" STILES, 1903, AN INVALID JUNIOR HOMONYM OF "NECATOR" SCLATER & SAUNDERS, 1896

It is evident that my recent decision that every entry on the *Official List of Generic Names in Zoology* will need to be checked in detail by myself, with the assistance, where required, of specialists in the groups concerned, before the *Official List* can be published in book form was well justified, for already I have found in the first of the *Opinions* in

which names were placed on this *List* that a name which is invalid as a junior homonym of another name consisting of the same word was then placed on the *Official List*.

2. The invalid name placed on the *Official List* in *Opinion* 66 (1915, *Smithson. Publ.* 2359 : 171—176) was the name *Necator* Stiles, 1903 (Class Nematoda). On checking the entry for this name in Neave (1940, *Nomencl. zool.* 3 : 275), I find that the foregoing name is pre-occupied by the name *Necator* Sclater & Saunders, 1896 (*Ibis* (7) 2 : 420) (Class Aves), an emendation of the name *Nicator* Finsch & Hartlaub, 1870 (*in* Decken, *Reisen Ost-Afrika* 4 : 359).

3. It is not possible at this date to determine whether this erroneous entry on the *Official List* was due to the existence of the name *Necator* Sclater & Saunders, 1896, not being known to the applicant concerned or to the Commission when it adopted *Opinion* 66 or whether the view was then taken implicitly that, as the name *Necator* Sclater & Saunders was an Emendation and not an Original Spelling, it did invalidate the later use of the same word as an Original Spelling. Any doubts on this latter question which may have existed in 1913 were, however, removed by the Commission's later *Opinion* 125 (1936, *Smithson. misc. Coll.* 73 (No. 8) (Publ. 3395) : 3—4), which laid it down that a name such as *Borus* Albers, 1850, is an invalid junior homonym of *Borus* Agassiz, 1846, an emendation of *Boros* Herbst, 1797. It will be remembered also that the present problem was considered again by the Commission at its Lisbon Session in 1935 (Lisbon Session, Fourth Meeting, Conclusion 15) (1943, *Bull. zool. Nomencl.* 1 : 40—41), when it was decided to render an *Opinion* explicitly laying down in general terms the principle stated implicitly in *Opinion* 125. The *Opinion* rendered under this decision is *Opinion* 148 (1943, *Ops. Decls. int. Comm. zool. Nomencl.* 2 : 133—144).

4. There is thus no doubt whatever that the entry on the *Official List* relating to the Nematode name *Necator* Stiles, 1903, is invalid. It will be necessary to obtain from the International Commission a decision as to the action to be taken in regard to this name before the *Official List* can be published in book form. Before this case is submitted to the Commission, it will be necessary, however, to ascertain whether Sclater & Saunders' emendation to *Necator* of the name *Nicator* Finsch & Hartlaub is in general use among ornithologists. If this is found to be the case, the Commission will need to consider the relative advantages (1) of validating the name *Necator* Stiles, 1903, by suppressing the name *Necator* Sclater & Saunders, 1896, under its Plenary Powers, and (2) of allowing the name *Necator* Stiles, 1903, to remain invalid and of removing it from the *Official List*, thereby leaving undisturbed the earlier name *Necator* Sclater & Saunders. If, however, it is found that the bird genus *Nicator* is still known by that name, the Sclater/Saunders emendation to *Necator* not having won acceptance among ornithologists, the way will be clear for the Commission to suppress the name *Necator* Sclater & Saunders, 1896, under its Plenary Powers, thereby validating the entry of the name *Necator* Stiles, 1903, on the *Official List*.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. In reply to an enquiry by the Secretary the late Mr. W. L. Sclater reported as follows in a letter dated 21st April 1944 :—

I have looked into the matter of *Nicator* and *Necator*, and I find that my father did propose very definitely the emendation of the original *Nicator* to *Necator*, I do not doubt, quite without justification under our present Rules. So far as I know, the emendation *Necator* was never used or accepted by ornithologists.

3. At Paris in 1948 the International Commission on Zoological Nomenclature suspended its By-Laws for the duration of that Session (1950, *Bull. zool. Nomencl.* 4 : 7—8), and it was in virtue of that decision that the present case was brought before the Commission later during that Session.

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

4. The present application was considered by the International Commission on Zoological Nomenclature at the Eleventh Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948 at 0930 hours. The following is an extract from the portion of the Official Record of the Proceedings of the International Commission setting out the decision reached by it in regard to this case at the foregoing meeting (Paris Session, 11th Meeting, Conclusion 26) (1950, *Bull. zool. Nomencl.* 4 : 300—301) :—

THE COMMISSION agreed :—

(1) to use their plenary powers :—

(a) to suppress for all purposes the generic name *Necator* Sclater & Saunders, 1896 (Class Aves), an emendation of the name *Nicator* Finsch & Hartlaub, 1870 ;

- (b) to validate the generic name *Necator* Stiles, 1903 (Class Nematoda) ;
- (2) to confirm the entry of the name *Necator* Stiles, 1903, made in the *Official List of Generic Names in Zoology* in accordance with the directions given in *Opinion* 66 ;
- (3) to render an *Opinion* setting out the foregoing decisions.

5. Under the provisions relating to the *Official Index of Rejected and Invalid Generic Names in Zoology*, the International Commission is required to place thereon every generic name which it either rejects under its Plenary Powers or declares to be invalid. In the present instance the entry in this *Official Index*, under the foregoing provisions, of the name *Necator* Sclater & Saunders, 1896, suppressed under the Plenary Powers in the decision quoted in paragraph 4 above, was inadvertently omitted from the Official Record of the Proceedings of the International Commission. This omission has been rectified in the Ruling given in the present *Opinion*.

6. The following is the original reference for the name which appears in the decision set out in paragraph 4 above :—

Necator (invalid emend. of *Nicator* Finsch & Hartlaub, 1870)
Sclater & Saunders, 1896, *Ibis* (7) 2 : 420

7. The gender of the generic name *Necator* Stiles, 1903, referred to in the decision quoted in paragraph 4, is masculine.

8. The decision taken in the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth International Congress of Zoology, Paris, 1948, at its Third Meeting held on 26th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 93).

9. The Ruling given in the present *Opinion* was concurred in by the sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

10. The Ruling given in the present *Opinion* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

11. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

12. The present *Opinion* shall be known as *Opinion* Two Hundred and One (201) of the International Commission on Zoological Nomenclature.

DONE in London this Sixteenth day of November, Nineteen Hundred and Fifty-Three.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

